

## **What is a child custody and access assessment and what's involved?**

A child custody and access assessment is used by the Court to help determine the best interests of the child. The assessment addresses the needs and interest of the child and seeks to determine what parenting arrangement can best meet those needs.

They parties may agree on an independent assessor or the Court may refer the matter to the Office of the Children's Lawyer for an assessment under their auspices. In choosing an independent assessor, the parties have the opportunity to review the professional background of respective assessors and choose one whose experience and credentials are most relevant to address issues of concern. In going through the Office of The Children's Lawyer the parties have no input as to the assessor chosen.

At the heart of every child custody and access assessment is information gathering. Information is obtained from a variety of sources and often includes a review of court records pertaining to the current action, criminal reference checks on parents and at times new partners, school reports, previous assessments, medical reports and Children's Aid Society reports.

In addition to the gathering of reports, the assessor will interview the parents and the children in various combinations as required. Where a parent has a new partner, spouse or girl/boy-friend, they will likely be included in the interview process. At times other family friends, employers, colleagues, teachers, professionals and extended family members can be included if deemed necessary by the assessor. Interviews may take

place in the parent's home or the assessor's office.

After completion of the information gathering including reviewing all written materials, interviews and observations, the assessor prepares a detailed report that sets out recommendations for parenting arrangements to meet the best interests of the child. The recommendations generally specify a parenting plan that can include who has primary responsibility for decisions affecting the child's life, living/care arrangements and school arrangements and may also include recommendations for parents and/or child to address gaps or concerns related to parenting abilities.

Usually the assessment process ends with a disclosure meeting whereby the assessor meets with the parents to review the report and recommendations. This meeting may also include the parents' lawyers. The purpose of the meeting is to make sure that information is correct and that the parents and lawyers understand the report and recommendations. Some custody and access disputes are settled at this point. The assessor may be instrumental to this end during the disclosure meeting.

Parents are advised to prepare well in advance whether they have participated in choosing the assessor or whether the assessor is appointed through the Office of the Children's Lawyer.

Parents should ask to view the resume of the assessor. They should ask about the process the assessor will use and what sources of information they will include. They should determine in advance what special training they might have had to deal with particular concerns. If the child has developmental issues, if there are concerns related to violence between family members, if there

are concerns of physical, emotional or sexual abuse, if there are concerns related to alcohol or substance abuse or criminal behaviour, etc., the parent should find out if the assessor is trained or qualified to address such issues.

Once underway and at every step throughout the assessment process, parents have the right to ask the assessor why, what and how they are choosing to do as they do. If at any point along the way a concern arises about the assessor, their qualifications or the assessment process, this should be addressed with the assessor and if necessary, the parent should bring their concern to their lawyer's attention. A good assessor will welcome your questions and should be able to explain the rationale for their actions.

Throughout the assessment, parents are advised to be honest and open. A well-qualified assessor will likely determine when a parent is not open and honest and this can further compound any concern the assessor may have about a parent.

Parents involved in child custody and access disputes are often under the most duress they have ever experienced. Living through the custody and access assessment process can feel like a lifetime. Choosing your assessor wisely or identifying any concerns up front with an assessor who has been appointed can help increase a parent's comfort that the end will result in a set of recommendations that truly are in the best interest of their child.

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Courts in Ontario consider Gary an expert on matters pertaining to child development, custody and access, family therapy and social work.